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| EXAMINER |
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BASOM, BLAINE T

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| ART UNIT | PAPER NUMBER |
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2173

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/737,639

Applicant(s)

AUSTIN, PAUL F.

Examiner

Blaine Basom

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,44 and 46-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43,44,46-50 and 52-65 is/are rejected.
- 7) ☒ Claim(s) 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 5/25/2005. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

The Examiner acknowledges the Applicants' amendments to claims 43-44 and 58-60, in addition to the Applicants' addition of new claims 61-65. In light of these amendments and the Applicants' arguments, the 35 U.S.C 102(e) rejection of claims 43 and 57-60 over Morimoto (U.S. Patent No. 6,247,013 to Morimoto) is withdrawn. Similarly, the 35 U.S.C. 103(a) rejection of claims 43-44, 46-58, and 60 over Sprenger (U.S. Patent No. 5,861,882 to Sprenger et al.), Carnahan (U.S. Patent No. 6,560,557 to Carnahan et al.), and Bertram (U.S. Patent No. 5,818,446 to Bertram et al.) is withdrawn.

Regarding the pending claims, the Applicants submit that these claims are in condition for allowance. The Examiner, however, respectfully disagrees by reason of the following new grounds of rejection.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they

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must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). In this case, there exist two claims numbered 64. The second claim 64 has been renumbered 65.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43, 57, 58, 59, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by plug-in applications, as described in U.S. Patent No. 5,903,728, which is attributed to Semenzato. In general, Semenzato teaches executing a plug-in as a separate process from its associated application (for example, see column 3, lines 15-35). As is known in the art, and also disclosed by Semenzato, the plug-in application is executed to extend the functionality of the associated application (for example, see column 1, lines 11-59). In describing such a system, Semenzato teaches configuring a graphical user interface (GUI) element to subscribe to a data source.

Specifically regarding claims 43, 57, 59, and 60 Semenzato discloses that a web browser may be used to access and display a web page, whereby as known in the art, a user inputs a URL of the web page to the browser in order to access the page (see column 3, lines 15-35). It is understood that if the browser cannot process a data type of data included with the web page, such as audio or video data, the plug-in is instantiated (see column 3, lines 15-35). Additionally,

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it is understood that the plug-in comprises a graphical user interface used to receive and display the data (for example, see column 3 lines 15-35). Semenzato discloses that such a process may occur during the development of the plug-in application (for example, see column 1, line 60 – column 2, line 34). Consequently, Semenzato is considered to teach to one of ordinary skill in the art a method for configuring a GUI element to subscribe to a data source, the method comprising: receiving user input specifying the data source, wherein the user input is received to a program development environment during creation of an executable program, and wherein receiving user input specifying the data source comprises receiving user input specifying a URL of the data source; programmatically selecting a plug-in application, and consequently its GUI elements, after receiving the user input, wherein the GUI elements are selected based on a data type of the data source; displaying the selected GUI elements in the program after said programmatically selecting; and programmatically configuring the GUI element to receive and display data from the specified data source. Semenzato discloses that such a method may be implemented on a computer having memory (see column 4, line 56 – column 5, line 64). Such a computer implementing the teachings of Semenzato is considered a system, like that recited in claim 59. Additionally, this computer memory is considered a memory medium, like that recited in claim 43. Semenzato further teaches that a plug-in may be executed as part of its associated application, i.e. as part of its associated browser application (for example, see column 1, lines 11-59). A browser and its plug-in may thus be considered a single application. Accordingly, Semenzato is further considered to teach a method like that of claim 57. As known in the art, such a browser may be implemented to both receive and publish data, and for this reason, Semenzato is further considered to teach a method like that of claim 60.

Regarding claim 44, Semenzato teaches programmatically selecting and displaying a browser window in response to specifying a data source, as is described above. As shown above, the user specifies a data source by entering a URL. In response to selecting and displaying the browser window, the window automatically receives and displays data from the data source, as is further shown above. Thus the browser window is automatically configured to receive and display data without user programming and without the user input specifying source code.

As per claim 46-48, it is known in the art a URL may comprise file extensions denoting audio or video data, i.e. data that a plug-in receives and displays. Accordingly, it is understood that plug-ins may be selected based on such file extensions. Moreover, such URLs denoting audio or video data may be part of the HTML data received from the data source, whereby the HTML data is analyzed to determine how to display the data, as is known in the art. Semenzato is thus considered to teach, to one of ordinary skill in the art: receiving data from a data source; programmatically analyzing the received data; and programmatically determining a GUI element operable to display the received data, whereby the data is in a self-described format, denoted by its file extensions.

Referring to claim 49, it is understood that a browser, or its associated plug-ins, may receive and display data from a remote computer, such as a server, as is known in the art. Semenzato is thus considered to teach, to one of ordinary skill in the art: that a browser and its plug-ins may be comprised in a first computer; that a data source may be comprised in a second computer remotely located from the first computer, wherein the first computer is operable to connect to the second computer over a network; and wherein the plug-in is programmatically configured to connect to the second computer and receive and display data from the data source.

As per claim 50, the plug-in's GUI is included in a user interface associated with the program, that is, a user interface of the browser application, as is described above.

Concerning claim 52, it is understood that a browser, or its associated plug-ins, may receive and display data from an Internet server, as is known in the art. It is further understood that such an Internet server implements the HTTP protocol in order to transmit data. Accordingly, such a server is considered an HTTP server, like recited in claim 52.

Regarding claims 53 and 54, Semenzato teaches that a plug-in may be executed as part of its associated application, i.e. as part of its associated browser application (for example, see column 1, lines 11-59). A browser and its plug-in may thus be considered a single application. As known in the art, such a browser may be implemented to both receive and publish data. Thus, when entering a URL of a data source, the user is considered to be specifying both a data source and a data target with which to associated a browser plug-in, whereby the plug-in may be configured to receive and display data from the data source, and to publish data to the source.

As per claims 55 and 56, it is understood that the data received and display by the plug-in is arbitrary, and may thus be live data, or measurement data received from an instrument.

Concerning claims 61, 62, 64, and 65, Semenzato teaches receiving input specifying a data source, and based on this data source, selected a plug-in GUI element for inclusion in a program, as is described above. Semenzato further discloses that such a process may occur during the development of the plug-in (for example, see column 1, line 60 – column 2, line 34). Consequently, Semenzato is considered to teach programmatically selecting the GUI element during creation of the plug-in program, and displaying the GUI element during creation of the plug-in.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 58 and 63 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,969,717, which is attributed to Ikemoto, and also over U.S. Patent No. 6,701,513, which is attributed to Bailey. In brief, Ikemoto presents a program development environment which involves: receiving user input during development of an executable graphical program specifying a data source, wherein the graphical program comprises a user interface panel, and wherein the user input is received by this interface panel; programmatically determining a graphical user interface element during creation of the program the GUI element operable to display data from the specified data source, in response to the user input, based on a data type of data provided by the specified data source; programmatically including the GUI element in the user interface panel of the graphical program during creation of the program; and programmatically configuring the graphical program to receive and display data from the specified data source in the GUI element during program execution (for example, see column 2, line 57 – column 3, line 4). Ikemoto, however, does not explicitly teach that the graphical program comprises a block diagram having a plurality of interconnected nodes which visually indicate functionality of the block diagram. Nevertheless, such block diagrams are well known in the art.

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For example, Bailey, like Ikemoto, presents a program development environment for creating application programs. Bailey particularly teaches that such an environment may comprise a block diagram comprises a plurality of interconnected nodes indicating functionality of the program (for example, see figure 14A).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Ikemoto and Bailey before him at the time the invention was made, to modify the program development environment taught by Ikemoto to include the block diagrams of Bailey. It would have been advantageous to one of ordinary skill to utilize this combination because such block diagrams provide allow a developer to create a program without having to write code, as is taught by Bailey (for example, see column 3, lines 1-37).

Allowable Subject Matter

Claim 51 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to

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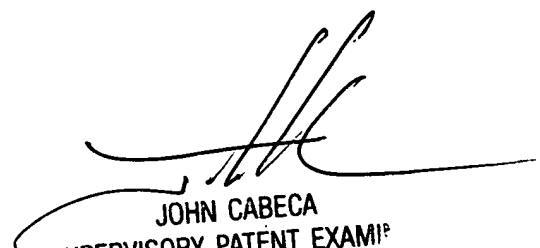
consider these references fully when responding to this action. The Wang et al. U.S. Patent cited therein teaches using a plug-in to publish data to a data source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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